DEMAND XIV—ADMINISTRATION OF JUSTICE.

Mr. Puthupally S. Krishna Pillai: I move that a sum of Rs. 10,70,419 be granted under Demand XIV—Administration of Justice.

Mr. Haji Hassan Yacoob Sait (*Commerce and Industry North*): സർ, ഞാൻ ഈ ഡിമാൻറിനെ അനുകൂലിക്കുന്നു. അതേ അവസരത്തിൽതന്നെ നീതിന്യായവകുപ്പിനെ സംബന്ധിച്ച ചില സംഗതികൾ പ്രസ്താവിക്കണമെന്നു വിചാരിക്കുന്നു. ഈ സംസ്ഥാനത്തു് പുതുതായി അഞ്ചു ഫസ്റ്റ്ക്ലാസ് മജിസ്ട്രേട്ട് കോടതികൾ സ്ഥാപിക്കാൻ ഇടയുണ്ടെന്നറിയുന്നു. ഒരു പ്രധാന കച്ചവടകേന്ദ്രമായിരിക്കുന്ന കായംകുളത്തു് മുമ്പു് ഫസ്റ്റ്ക്ലാസ് മജിസ്ട്രേട്ടുകോടതിയും, ജില്ലാക്കോടതിയും, മുൻസിഫുകോടതിയും ഉണ്ടായിരുന്നു. ആദ്യമായിത്തന്നെ അതിൽ ഫസ്റ്റ്ക്ലാസ്മജിസ്ട്രേട്ടുകോടതിയും, ജില്ലാക്കോടതിയും നിർത്തൽ ചെയ്തു. അതിനുശേഷം ഫീൽഡ് കംഭത്തിൽ മുൻസിഫ്കോടതിയും നിറുത്തലാക്കി. നിറുത്തൽചെയ്ത മുൻസിഫ്ക്കോടതി തിരിയെ തരികയോ അതല്ലാത്തപക്ഷം ഒരു മുൻസിഫ്മജിസ്ട്രേട്ട്കോടതി അനുവദിച്ചുതരികയോ ചെയ്യണമെന്നു് ബഹുമാനപ്പെട്ട ഗവണ്മെൻറിനോടു് ഞാൻ പല പ്രാവശ്യം അപേക്ഷിച്ചിരുന്നു. അതിനു് അനുകൂലമായ യാതൊരു മറുപടിയും ഉണ്ടായിട്ടില്ലെന്നു് വ്യസനസമേതം പ്രസ്താവിക്കേണ്ടിയിരിക്കുന്നു ഇപ്പോൾ കേസുകൾ സംബന്ധമായി ആലപ്പുഴ, കൊല്ലം മുതലായ ദൂരസ്ഥലങ്ങളിൽ പൊതുജനങ്ങളും കച്ചവടക്കാരും മറ്റും പോയി വളരെ കഷ്ടനഷ്ടങ്ങൾ അനുഭവിച്ചുവരികയാണു്. അതിനാൽ ബഹുമാനപ്പെട്ട ഗവണ്മെൻറു ദയവായി ആലോചിച്ചു ഒരു മുൻസിഫ് മജിസ്ട്രേട്ടുകോടതിയോ, അല്ലാത്തപക്ഷം ഇപ്പോൾ സ്ഥാപിക്കാൻ പോകുന്നതിൽ ഒരു ഫസ്റ്റ്ക്ലാസ്മജിസ്ട്രേട്ടുകോടതിയോ കായംകുളത്തു് അനുവദിച്ചുതരണമെന്നു് അപേക്ഷിക്കുകയും, ഞങ്ങളുടെ രണ്ടരവർഷക്കാലത്തെ ദീർഘശ്വാസത്തോടുകൂടിയ മുറവിളി ശാന്തമാക്കുകയില്ലെന്നു പരിപൂർണ്ണമായി വിശ്വസിക്കുകയും, ഞങ്ങളുടെ ന്യായമായ ഈ ആഭ്യർത്ഥനയെ അനുകമ്പാപൂർവ്വം പരിഗണിച്ചു് വേണ്ട ഉത്തരവു ചെയ്യണമെന്നു് അപേക്ഷിക്കയും ചെയ്തുകൊള്ളുന്നു.

Mr. N. Krishna Aiyar: I support the demand. In doing so I shall be failing in my duty if I do not pay a tribute to the excellent work of the judiciary at present. The proverbial delay in the disposal of suits in Travancore courts has ceased to exist.

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Mr. N. Krishna Aiyar]

Judicial Officers are present in their seats at 11 o' clock and we find brisk disposal of cases; adjournments are not granted as a matter of course. This has resulted in considerable expedition in the disposal not only of old cases but also current files and has brought down the files to a considerable extent. There is also a diminution in the number of fresh suits and appeals with the result that possibly in the course of two or three years, or at least four or five years a large number of Civil courts in the land may be abolished, at any rate, all the Temporary and Additional courts which are now working may have to be abolished. This might adversely affect the legal profession to a very large extent, which has already been hit hard. This reduction in the volume of work will hit the profession very hard. As a sort of compensation for the loss of remuneration to the learned profession, I would suggest that the scale of advocates' fees may be enhanced at least by 50 per cent. The present scale of fee was fixed very many years ago and although revision has been agitated for, nothing has been done thus far. I think it is legitimate to advocate the cause of the advocates for at least a slight increase of 25 or 50 per cent in the scale of fees. This is more particularly necessary in the case of the execution fees, where the fee is very low. In these cases, the volume and nature of the work turned out is quite out of proportion to the remuneration. It is stated that the advocates are competent to stipulate their own terms and set their own standards. But this is more easily said than done. Except possibly one or two in every bar, it may not be possible for all the advocates to make such stipulations. Therefore it is high time that the question of revision of the scale of fees, both in the case of original work and of execution work, be taken in hand and something done in the direction.

President: Is the fee prescribed in the existing scale paid in full actually?

Mr. N. Krishna Aiyar: The presumption is that it is. And the Vakils promptly give their certificates also. The fees may not be paid even long after the disposal of the cases. The remuneration fixed for Debt Relief cases is very low, though very often it entails the same amount of labour as any other work.

President: Is any elaborate procedure prescribed there?

Mr. N. Krishna Aiyar: Yes. In fact some cases take several sittings and the usual procedure is being adopted as in original suits; and the procedure in petitions under Section 16 is also very elaborate. Even though these cases bring relief to the debtors, the vakils who handle this difficult piece of legislation get very little relief. So, that also may be brought to the attention of Government.

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Reduction in the volume of litigation must be considered as a very healthy sign because litigation is known to be, and very often found to be wasteful and expensive and in some cases ruinous. But considered from an economic point of view, it may not be out of place to point out that the diminution in the volume of litigation is due to the decrease in the number of monetary transactions. Industry of a country depends very much upon the free flow of capital and the exchange of currency. As a result of the present tendency, it is found that there is very little of fresh transactions and there is shyness of credit. This adversely affects the improvement and development of industries. Officers of the judiciary are doing fairly good work and work for an increased number of hours. A few years ago the judges used to come at one o' clock, come to their seats at two o' clock and retire at four. But those days are gone. We now find officers working between 11 and 5 and the increased volume of work that they do resulting in the expeditious disposal of cases naturally would induce the Government to give them more encouragement by increasing their salaries at least to the pre-standardisation level.

Although I said that there is a considerable expedition in the discharge of Judicial work, it should not be taken for granted that in all matters in courts it is so. There is great slackness in courts in the granting of attested copies. Normally it takes about a month. There is a provision that those who want urgent copies can pay half a rupee more for getting the copies. But as a matter of practice, we find that, over and above the two chuckrams, the fee for the stamp, the affixing of the eight-anna stamp does not usually facilitate the getting of the copy earlier. We shall have to wait for another week and very often count the courtesy of the copyist and the examiner concerned. Such a policy should be avoided. This results in leakage of revenue also because it discourages people from applying for and getting attested copies. If a definite circular or rule is laid down that as soon as an application for a copy is made, within three days of the application, the number of sheets necessary for the copies should be noted by the examiner concerned and the sheets may be produced the next day or within three days, and after the production of sheet they should be made available for handing over to the parties within a week or ten days. In such cases, I am sure there will be a large increase in the judicial revenue. This also will be a compensation for the considerable loss in the judicial revenue, to be anticipated on account of the fall of litigation. So I bring to the notice of Government the necessity to issue a circular regarding the expeditious granting of attested copies to the parties concerned.

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[Mr. N. Krishna Aiyar]

One other point. It is commendable that at least in the judiciary, the appointments and promotions are made on the basis of efficiency. I particularly emphasise this because efficiency and character are essential though not only in the Judicial Department but for all departments, but more particularly in the case of the Judicial Department. There is an impression that in certain matters Government are interfering with the Judicial Department. It is up to Government to see that that impression is completely removed and eradicated, because efficiency and independence of the judiciary is certainly the index of a progressive State.

Mr. V. Sankara Menon: May I know in what direction the interference is made?

Mr. Puthupalli S. Krishna Pillai: Does the member ask for the enhancement of the court fee also?

Mr. N. Krishna Aiyar: Court fee may also be enhanced.

Mr. G. Narayana Aiyar: I rise to support the demand. It is gratifying to see that the department has improved though not to the extent that was expected. I also feel it my duty to state that the existing scale of fees prescribed as Vakil's fee is out of proportion to the volume of work done by the Vakils. We also see that the Advocates and Vakils here are doing as good and as efficient work as is done by Vakils and Advocates in British India and there is no comparison whatsoever with the scale of fee prescribed in British India and that obtaining in Travancore. So it is high time that something is done to revise the rate of fees. It must be brought at least up to the mark that is obtaining in British India. After the passing of our Vakils reputation and fixing of Vakils fees a number of Acts have been passed in our State. There is no provision fixing the fees for appearance and for conducting the proceedings that come up before Civil Courts under those Acts. Most of such proceedings are very complicated and have to be handled with very great care and attention. It may be said that it is the Bar Council that has to deal with the question and come to its own decision. Anyhow that question has to be taken up and the existing real grievance redressed at a very early date.

It is seen from the Administration Report of the Department of Civil Justice that it is high time that some of the courts are abolished as early as possible. The report shows that there was a fall of 7894 suits and 730 appeals—altogether a fall of 8624 cases in 1116 as compared to 1115. It also shows that suits relating to a nd fell by 3891 in 1116. The receipt of the department fell by RS 2 lakhs and the expenses increased by Rs. 90,000. Including thetemporary additional courts we have got 40 Munsiff's Courts in

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State where there are only 30 taluks and 15 Judges besides the Judges of the High Court. It is seen from the report that notwithstanding the fall in the number of cases that the average duration of contested ordinary suits rose from 638 days in 1115 to 668 days in 1116 in Munsiffs Courts and the average duration of contested and uncontested suits in the District Courts have also risen in 1116. The number of execution petitions received during 1116 was less than the petitions received in 1115 by 34,150. By passing of the Debt Relief Act there is a general tendency for litigation to decline. Under such circumstances notwithstanding the fall in file to see that the responsible officers are not able to bring down the pending heavy list to a lesser number is not quite satisfactory. What is the reason for this state of affairs? That has to be ascertained. I would say that much is due to the defect and want of care in the selection of officers in this department. The policy of selection adopted and followed now is not quite happy at least in certain cases. The rule is to appoint only advocates practising in the High Court as Munsiffs. If we look into the practice obtaining in the Madras Presidency we will see that most of the Munsiffs appointed are from among the advocates who practice in the original side in the mofussil courts. Most of the advocates practising in our High Court will have occasion only to deal with the appellate side cases and they are out of touch with original side practice. But to be a successful Munsiff, I submit that a thorough knowledge on the original side practice is absolutely necessary. In other parts of British India also we find that only those who have sufficient experience and practice on the original side are appointed as Munsiffs. It has to be noted that there is scope for practice on the original side even in all the High Courts but there is no scope for the same in our High Court. But here we follow a different procedure which is not explainable. It is not only in the High Court we come across competent advocates. There are advocates practising in the mofussil courts some of whom as efficient if not more than some of those practising in the capital. I would bring to the notice of the Government that as in British India the District Judges should be asked to prepare a list of competent practitioners who are practising before them and who could be appointed as Munsiffs and send it to the High Court and the High Court may be requested to select from such lists also. That, I submit will go a great deal towards improving the present state of affairs. Even in the matter of selection, I submit that sufficient attention is not now paid to select the best amongst the candidates. I am not saying that communal representation should be ignored. Even while selecting from certain communities the best candidates are not selected. Sufficient attention is not paid to this aspect of the matter. If that had been done there would not have been the large volume of complaints against of this department.

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Mr. T. Krishna Pillai: Is not the honourable member aware that people who have fared well as advocates have been failures as Munsiffs or Judges?

Mr. G. Narayana Aiyar: There are certain cases like that. I do not dispute it, but there are brilliant cases also. There may be exceptions. In the ordinary course it may not be like that.

To add to the difficulty very recently our High Court have issued circular I of 1117. It has become impracticable to comply with the terms of the said circular. In the face of these circulars Munsiffs and Judges do not know what to do. It has perplexed Judges as well as advocates.

President: In spite of these circulars do not the Advocates even now get what they want, namely adjournment?

Mr. G. Narayana Aiyar: They are getting adjournments. Adjournments are applied for only when absolutely necessary. But what is the idea in issuing such circulars? The presiding authority does not know how to begin and where to begin and where to stop because the circular is very perplexing. It says that the trial shall be conducted continuously from hour to hour and day to day etc. Suppose old cases as well as new cases are posted on a day and a number of witnesses are present in the new cases. Which case shall be taken up first and what about the other cases if the circular is to be followed?

President: The circular does not say that so many cases should be posted.

Mr. G. Narayana Aiyar: No. Judges may have to post old as well as new cases for evidence daily so that they may have sufficient engagements. As per circular if one case is taken up and continued from hour to hour till finished, the other cases will have to be adjourned. On what ground? What is the meaning of issuing circular after circular when the men who are appointed as Judges are not competent? If they are incompetent, circulars are not the remedy. They are also supposed to be in the know of things and the provisions of the C. P. C. The circulars stand in the way of discharging their duty satisfactorily. It is very difficult to exercise their discretion in the face of the provisions of the said circular. It cannot be disputed that there are very competent men amongst the Munsiffs and Judges. Again there is a heart-burning among them that even if they work hard their claims are not properly recognised. That is an incentive for not turning out proper amount of work. Men who are working satisfactorily are to be encouraged. If when they are to get a promotion other less competent hands from other sources are appointed over their head overlooking their claims the tendency will be to neglect work. The

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Government ought to seriously bear this in mind. Those officers who work hard and who are capable ought to be given sufficient encouragement so that there may be the tendency to work still harder. With these suggestions I support the demand.

Mr. M. K. Ananthasiva Aiyar : In supporting the demand I wish to say a word about the policy adopted in the matter of promotions of officers in the Judicial Department. My honourable friend Mr. Krishna Aiyar said that some of the Munsiffs come to courts at 12 and go at 3 P. M. In my opinion they are the best officers. Some Munsiffs come at 11 'O clock and sit till 7 P. M. They are the most incapable officers. I find that those officers who come to the court at 12 and leave the court by 3 or 4 have been turning out very good work. They never allow a witness who has come to the court to go without being examined. On the other hand those who remain till 7 'O clock allow all the witnesses to go back without being examined. They do not even pretend to have seen the witnesses present in the courts. So the capacity of an officer has to be judged not by the time he is in court but by the quantity and the quality of work he turns out. That, I believe, should be the criterion for the promotion of judicial officers. I know that there are Munsiffs recruited even last year who are very capable, whereas men who have put in 25 years of service and who get Rs. 350 are absolutely incapable. They are not working. They cannot work. They do not understand. When there is a vacancy in a higher grade, automatically the man who gets Rs. 350 is promoted. That ought not to be the case. If we want to see proper work turned out, the principle of efficiency should be strictly adhered to.

Mr. T. K. Kittan : സർ, ഒരു ചോദ്യം. ജൂഡീഷ്യൽ ഉദ്യോഗസ്ഥന്മാർ സാധാരണ ഒരു മണിക്കാണോ ആഫീസിൽ വരാറുള്ളതു.? ഫ മണിക്കു വരണമെന്നാണല്ലോ ഗവണ്മെൻറു ചട്ടം.

Mr. M. K. Ananthasiva Aiyar: ജോലി ഒന്നുമില്ലെങ്കിൽ ഒരു മണിക്കു വന്നാലും മതിയല്ലോ.

Mr. James Fletcher : Sir, I support the motion. It is true that there is only a smaller number of cases now pending in the civil courts. One of the reasons is that the filing of cases during the last three years has been on the decrease. If in a Munsiff's Court 2000 civil cases were filed in 1115, 1500 alone were filed in 1116 and only 1000 in 1117. That is what we see in most of the Travancore Courts. The number of cases filed is becoming less and less during the last three years. That is one of the reasons why the income on this side has been reduced to the extent of Rs. two lakhs. This is what we see in the Administration Report. Therefore it is high time to reduce the number of officers in the civil courts.

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[Mr. James Fletcher]

With reference to the advocate's fee, as the number of cases decreases the advocate's income is also likely to decrease. I would not suggest that the rates of fee should be increased. But I would suggest another thing, *viz.*, that whatever the rate of fee now allowed may be, it may be deposited in the court with the court fees. The advantage will be two-fold—firstly, the lawyer being sure of the fee deposited in the court will try to close the case as quickly as possible with advantage to the litigant public.

Mr. V. Sankara Menon: Will not this practice increase the number of cases for the day?

Mr. James Fletcher: I will put it this way, Sir. Now, according to the Regulation the fee must be paid to the Court. If it is an exparte decree, only that share of fee need be deposited. Unless it is paid within a month the suit will be dismissed.

Mr. V. Sankara Menon: Sir, I did not get an answer to my question.

Mr. James Fletcher: I want only the cases which are necessary to be filed to be filed.

Mr. Thomas Chandy Mukkadan: ഫീസ് ശരിയായിട്ട തന്നുകൊള്ളുമെന്ന ബോധം വന്നാൽ എല്ലാ വക്കീലന്മാരും കേസ്സുകൾ ശരിയായി നടത്തുമെന്ന മെമ്പർ വിചാരിക്കുന്നുണ്ടോ?

Mr. James Fletcher: I do believe that the lawyers when they are sure of their fees, would do their part of the work more conscientiously and more efficiently.

Mr. M. K. Ananthasiva Aiyar: Is it the view of the honourable member that the vakils would drag on their case because they are not paid?

Mr. James Fletcher: That is not the only reason for the dragging on of a case. But it also conduces to the prolonging of litigation.

Sir, another point which I have to bring to the attention of the House is about the delay in the preparation of copies of decrees in the various courts. Often it takes six months for the preparation of a decree. If a copy of the decree is applied for, the average time taken to supply it is from three to six months. That is, I think, one of the greatest drawbacks in our civil courts. Decrees can be prepared within fifteen days. If the clerk concerned with the preparation of the copy of the decree makes any delay then it gives room for suspicion that somebody interested in the case might have caused the delay. Sometimes decrees are allowed to be pending for any length of time.

Sir, with regard to the recruitment of Munsiff's I have to say a few words. We have to take the best men from every community for a Munsiff's place. How to know which is the best man?

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How to know who is the most efficient ? The difficulty arises about the test in this respect. Of course, the President has stated that recruitment is made on the advice of the High Court Judges. But they are also human beings and so they cannot be infallible in the matter of choosing the right type of men as Munsiffs. As Mr. Narayana Aiyar has said there are a large number of practising lawyers in the mofussil courts from whom the right kind of selection can be made. But our judges may not have seen them. Therefore, I am of the opinion that for the choice of persons for Munsiffs' place a general competitive test may be held before the proper selection.

Mr. Kochikal P. Balakrishnan Tampi : Is it not a fact that many of the people who have passed very high examinations have had their intellectual qualities questioned by others ?

Mr. James Fletcher : It is a personal opinion, Sir. Now, as it stands, the examination should be a real test. I would suggest this, Sir. In the case of such a selection the person should be tested on his knowledge of law, and on his knowledge of the application of law for the proper discharge of his duties as a judicial officer.

Mr. Kochikal P. Balakrishnan Tampi : About character ?

Mr. James Fletcher : That is a different matter and the test for it is a different one. Sir, there is another matter which I may bring to the notice of this House and to the kind attention of Government for their consideration. The process servers in our courts are very much handicapped by not getting any travelling expenses when they have to travel long distances to serve processes. For example, a process server, who is employed in Trivandrum, has to serve a process in a place like Parassala which is also within the jurisdiction of the Trivandrum Munsiff's Court.

President : They seldom go so far.

Mr. James Fletcher : If a process is to be served there, what they generally do is, they serve it in the court itself. They would say that the party has been missing or that the process has been served. If they should properly serve the process to the person himself, I ask, why not they be given some travelling expenses? Sir, I request that some arrangement be made for this so that they may be encouraged to do their work properly.

Mr. Puthupalli S. Krishna Pillai : Does the honourable member mean that by this he wants to make an additional levy on every litigant ? Is it the honourable member's view that the party should bear this cost of travelling of the process server ?

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Mr. James Fletcher: I shall explain that also, Sir. When a witness is summoned to a court, batta is given to him by the party but not to the process server who has served the sommons. When the process has to be taken to a witness who lives, say, at Parassala, the witness is given mileage in compliance with the rules so that the witness may come to Trivandrum. But the person who carries the process is not paid anything by the party.

Mr. M. K. Ananthasiva Aiyar: Is the honourable member aware that the process server gets enough from the opposite party?

Mr. James Fletcher: They do. Why? Because Government do not make any provision for the expenditure they incur in carrying out their duties. That is why, Sir, I am submitting to Government, that they may be given travelling allowance when they have to take process to distant places. With these words I support the demand.

Mr. M. K. Ananthasiva Aiyar: Why not the service of processes be made through Anchal?

Mr. James Fletcher: I have no objection to that Sir.

Mr. P. N. Nilakanta Pillai (*Quilon* cum *Kunnattur*): Sir I support the demand. Honourable member Mr. G. Narayana Aiyar has complained about the speedy disposal of cases to the serious inconvenience of vakils. But I may say, Sir, that the recent circular has greatly benefitted the poor litigants. As a result of this circular very few old cases are pending for disposal. In the matter of preparing decrees inordinate delay is caused. This delay is caused by the clerks concerned with that work. The plaintiff decree holder gets a copy of the decree only after great delay so that he is not able to execute it in time. Therefore, my request is that strict instructions may be issued to enable the parties to get copies of decrees without any delay.

Mr. V. Sankara Menon: Sir, I just wish to bring to the notice of Government the sorry condition of the under-graduate clerks of the department. I understand that there are among them people who have put in more than a quarter of a century of service. But they are still drawing Rs. 30 or 40 as the case may be.

Mr. M. K. Ananthasiva Aiyar: May I know whether there are peons who have put in more than 30 years of service?

Mr. V. Sankara Menon: Sir, I am speaking of the clerks who serve in the different courts in the State and not of the peons. In other departments, no definite distinction is drawn between graduate clerks and the under-graduate clerks who are already in service regarding promotions. At least there are some departments in which under-graduates also get their natural promotions; they

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do get promotions up to Rs. 150 or so. In the case of the clerks in the Munsiffs' Courts, District Courts and the High Court, I understand that up to a certain maximum only, the under-graduate clerks can rise. I also understand that some of them are qualified too for higher grades because they have passed the Pleadership examination or some other equivalent examinations. Still, such under-graduate clerks are not considered for promotion to higher grades. I am at a loss to see why their promotions should be barred to the higher grades. It is high time that Government should take up their condition into consideration and if possible give them some betterment in their prospects. I need not mention that whatever be the brilliance of the presiding officers or the advocates, work in courts depends upon the efficient conduct of these poor-paid clerks. Therefore, it is highly necessary that their lot should be improved. With these words I support the Demand.

Mr. Puthupalli S. Krishna Pillai : Sir, I feel considerable relief in being called upon to reply to the various questions that have been raised by the honourable members of this House. Unlike in previous years there has been general approbation almost in regard to every item of work that is being done by the judiciary. The only point on which there has been some difference of opinion is the one mentioned by Mr. Ananthasiva Aiyar. I am unable to agree with him. He said that in the case of an efficient judicial officer it would be enough if he attends court at 1-o' clock, finish off his work and go home by 2 or 3 P. M.

Mr. M. K. Ananthasiva Aiyar : I did not say like that. All that I said was that such an officer would require only so much time to dispose of his work.

Mr. Puthupalli S. Krishna Pillai : But, the Government are not in a position to agree with the honourable member's opinion. The Government have fixed a time when judicial officers should attend courts. They have also fixed the working hours of a judicial officer. They are fixed with reference to the quantity of work that might ordinarily be turned out on every office day by one individual judicial officer. Say in the case of an executive officer, I can understand his coming to the office at 1-o' clock or even at 2 P. M. after attending to his outdoor work. A judicial officer on the other hand is one who has to deal with the litigants and various other people who attend courts every day. He has therefore to be at the spot precisely at 11-o' clock. He has to serve the public, not himself. He may be a very efficient man ; he may be able to dispose of the work before 1-o' clock. All that I say is, let him do so by commencing the work at 11-o' clock. At that time he must attend court. It is not possible for Government to support such of the judicial officers who do not attend court regularly at

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[Mr. Puthupalli S. Krishna Pillai]

11 A. M. But even the efficient Judges do not dispose of their work in such a short time as has been mentioned by the honourable member Mr. Ananthasiva Aiyar.

Then as regards promotions in the judiciary, it has been pointed out by some persons that efficiency must be the sole test. Some others said that those who are already in service for a long time and who are nearing superannuation, are disappointed because somebody else is superimposed on them from outside and that therefore there is considerable slackness of work on the part of those officers. Well, Sir, these are two conflicting principles and when advocated both may appear to be correct. The fact of a person who has entered service on an earlier date would never be taken into consideration for promotions in the judiciary. That point has been stated often and often on the floor of this House. It has also been stated and reiterated on the floor of this House that in the judiciary, efficiency would be one of the main guiding principles for promotion. If a person has entered service 15 years ago and turns out some kind of work though it is not the best work, it is possible that his claims will be overlooked and a more efficient man's claims will be taken into consideration for purposes of promotion. That is what very often happens and that ought to be the principle which every member in this honourable House should support.

As regards the representation made by the honourable member Mr. Hassan Sait, Government sympathise with all that has been stated by him. It is true that the abolition of a District Court or a Munsiff'sCourt or a Magistrate's Court or a First ClassMagistrate's Court is taking place in one or other places of importance in the State. The importance of a place like Kayankulam is very easily understood. But I must tell the honourable member that courts are abolished for proper reasons. It may be that work in the Kayankulam court might have declined very considerably. It may be that Kayankulam could not well afford to enjoy the luxury of having a Munsiff's Court of its own on account of the heavy fall in the number of civil suits. It may be that it has been found by Government that it will be in the best interests of the public that the jurisdiction of that court must be split up and tagged on with the neighbouring parts. As matters stand at present a Munsiff's Court for Kayankulam is out of the question.

Mr. Kochikal P. Balakrishnan Tampi: It was stated that the place is very near Puthupally.

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Mr. Puthupalli S. Krishna Pillai: But Puthupally has not complained about it. It is a place of some commercial importance indeed. There are leading merchants. One could not ignore that fact. But under the existing circumstances, Kayankulam could not be permitted to enjoy the luxury of having a Munsiff's Court for itself.

Mr. James Fletcher: Then what about the First Class Magistrate's Court?

Mr. Puthupalli S. Krishna Pillai: It had one for several years. After some time, it was amalgamated with the court at Alleppey. It has been like that for the past so many years. But the representations stated by the honourable member Mr. Hassan Sait will certainly be borne in mind when the question of appointing additional First Class Magistrates is taken into consideration.

Regarding the enhancement of the scale of Vakils' fees only one observation I have to make. They are statutory provisions. It is not the Vakils' opinion that should prevail in the matter. The Government must be satisfied that it is in the best interests of both clients and Vakils. No doubt at the moment we have heard the opinions of honourable members who follow the legal profession. Government are not yet heard the views of the party who has to pay.

Mr. Kochikal P Balakrishnan Tampi: On a point of order, Sir. May I know, is the Legal Remembrancer entitled to discount the opinions of learned and honourable members of this House on the ground that they belong to a particular profession? Whenever an honourable member of this House expresses anything is it not the will of the people that he expresses and not the will of the particular profession to which that honourable member belongs?

Mr. Puthupalli S. Krishna Pillai: Sir, all that I said was that it was the opinion of the honourable members of that profession. There are several others here who do not belong to that profession. Those people also are affected by this question.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I again seriously object to this kind of evaluation of the opinion of the honourable members of this House.

Mr. Puthupalli S. Krishna Pillai: I do not mind the honourable member's objection, Sir.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I too do not mind that honourable member's objections. But he cannot evaluate like that. When he did not hear the opinion of another section of the House, that does not mean that he should have only this kind of objection.

President: It is perfectly open to the honourable member to judge the views expressed on the floor of the House.

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Mr. Puthupalli S. Krishna Pillai: Sir, I am only expressing my personal opinion in the matter just as the honourable member himself did on the floor of the House. It was his opinion. This is my opinion.

Mr. Kochikal P. Balakrishnan Tampi: Sir, is it the Government's opinion that the honourable member the Legal Remembrancer is saying now?

Mr. Puthupalli S. Krishna Pillai: Just as the member has expressed his opinion himself, I too have done.

Mr. T. Krishna Pillai: Are the views expressed by the honourable members of this House who follow the Vakils' profession to be taken as the views of the profession or that of the public?

Mr. Puthupalli S. Krishna Pillai: Sir, I have already said that it is my personal opinion?

President: It is open to the honourable member when speaking on behalf of Government on a question of this sort to suggest that a particular opinion expressed in the course of the debate was ventilated by members who belong to a particular profession. It is perfectly open to the honourable member to draw his own inference from the views expressed by the honourable members. He is only placing that before the House. That does not mean that he wanted to insinuate a particular member's opinion. Nor does it mean that the inference drawn by him is not honest.

Mr. Puthupalli S. Krishna Pillai: As I submitted, Sir, this is a matter which has to be decided by the Government. In so deciding it, they have to see which class of persons are affected, whether it is the litigants or the advocates or both. All these claims have to be considered. I merely pointed out the fact that of those who made representations on this matter on the floor of the House I did not find support from a single person who does not belong to the advocates' profession.

Mr. V. Sankara Menon: Does not the member realise that all of us are also litigants.

Mr. Puthupalli S. Krishna Pillai: There are more advocates than litigants. Here only the advocates' expressed their opinion.

Mr. A. Easvara Pillai: May I know whether any honourable member who does not follow the advocates' profession, objected to this question?

Mr. Puthupalli S. Krishna Pillai: That is a matter for argument. I can definitely say that those who represent the non-advocates' interest were sitting quiet. When this question comes up, this may be the way in which Government will have to consider. The honourable members who do not follow the legal profession did not speak about the matter.

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President : The time for the Demand having expired, the question before the House is that Government be granted a sum of Rs. 10,70,419 under Demand XIV—Administration of Justice.

The motion was put and carried.

The Demand was made.

DEMAND XV—JAILS.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to move for a grant not exceeding Rs. 1,39,484 under Demand XV—Jails.

Mr. Kochikal P. Balakrishnan Tampi : Sir, I wish to oppose this Demand just to point out that this Government which prides itself in making the administration very progressive in many other directions has not done anything so far to show that in the matter of prison administration we are coming into line with the rest of the civilised world especially with reference to diet. I am told that the diet given in the prison is not so good as it was before. When I read the other day that another sister State is giving eight or nine ounces of buttermilk and curds to the prisoners, the disparity was more forcibly brought to my mind.

I also wish to draw the attention of the House that so far absolutely no arrangements have been made for changing the rules in respect of political prisoners. As has been repeated by Government, some of these people are men of high character, universally respected in spite of difference of opinion in politics, even respected by Government so far as I know. But then, that they should be treated on a par with criminals so that they may be compelled to change their political opinions does not show at any rate the height of statesmanship. Even as a matter of policy and tact, the best way to change their opinions, inconvenient opinions, perhaps is not to treat them harshly but rather to impress upon these people that the Government is very fair to all concerned. I have been hearing very alarming reports about the health of Mr. Thanu Pillai who is now in jail. This House would like to be told whether those rumours are baseless. I am told that he has lost weight by 10 lbs or so. It is these things that create great apprehension in the minds of the people.

I was told that for the past two or three years the jail was managed by some subordinate Police Officer. I was told that the jail was open to the Inspector-General of Police, that he was frequently visiting it, that he was having dealings with the prisoners, that he was sending Christmas cakes even to some distinguished convict. These things will bring down the tone of administration of the jail.

President : The Inspector-General was also the Superintendent of the Central Prison.

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